

REMARKS

Applicant respectfully requests entry of the foregoing amendments by the Examiner. By this amendment, claims 1, 11, 15, 18, 19, 23 and 24 are amended. Claim 6 is cancelled and new claims 25-33 are added. There are now 32 claims pending. These are 1-5 and 7-33. No new matter is introduced by the amendments and support for the amendments is found throughout the specification. Applicant respectfully requests reconsideration of the pending claims in view of the amendments and following remarks.

Rejection of Claims under 35 U.S.C. § 112

The Examiner rejected Claims 15-22 and 24 under 35 U.S.C. § 112, first paragraph. Claims 15 and 24 have been amended by deleting the words “or preventing” thereby rendering the rejection moot. Applicant respectfully asserts that the rejection has been overcome and requests its withdrawal.

Rejection of Claims under 35 U.S.C. § 102

Claims 1-5, 10, 13-17, and 20-22 were rejected under 35 U.S.C. § 102(b) as being anticipated by *Jackson et al.* (U.S. 6,040,333). The amended claims now recite a specific amount of folic acid between about 0.8 mg and 5mg. *Jackson* discloses folic acid in an amount of between about 400-440 µg at column 2, lines 50-51, column 3, line 3, column 3, line 21 and column 11, line 31. Nowhere does *Jackson* disclose an amount of folic between about 0.8 mg and 5 mg. Accordingly, Applicant's composition, as claimed, is not anticipated by *Jackson*. Further, with respect to the new claims which have been added, vitamin B12 is claimed in a range that is not disclosed by *Jackson*. *Jackson* discloses use of vitamin B12 in amounts of between 2 mcg and 18 mcg. For at least all these reasons, Applicant respectfully asserts that the rejection of claims 1-5, 10, 13-20 and 20-22 under 35 U.S.C. § 102(b) has been overcome and requests withdrawal of the rejection.

Rejection of Claims Under 35 U.S.C. § 103

The Examiner rejected claims 1, 19, 23 and 24 under 35 U.S.C. § 103(a) as unpatentable over *Jackson* (U.S. 6,040,333). In contrast to *Jackson's* method, the claims, as amended, recite a specific amount of folic acid which is not taught, disclosed or suggested in *Jackson*. Further, as mentioned above, *Jackson* does not disclose the amounts of vitamin B12 as recited in Applicant's invention, as claimed. In addition, Applicant notes that *Jackson* does not teach, suggest, or disclose use of hydroxocobalamin as a type of B12. Nothing in *Jackson* teaches, suggests, or provides motivation for using the amounts of folic acid as currently recited in Applicant's claims. Further, nothing in *Jackson* teaches, suggests, or provides motivation for using the recited amounts of vitamin B12 in Applicant's invention, as claimed. Applicant respectfully asserts that one of ordinary skill in the art would not be motivated to use *Jackson's* method to derive Applicant's invention as currently claimed, including the use of folic acid in an amount between about 0.8 mg and 5 mg. Further, Applicant respectfully asserts that one of ordinary skill in the art would not derive motivation from *Jackson* to use hydroxocobalamin as the B12 component in Applicant's invention as claimed.

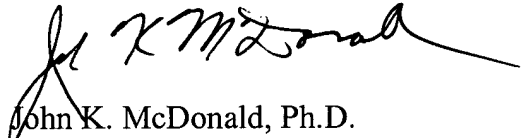
For at least all of the reasons cited above, Applicant respectfully asserts that the rejection of claims 1-19, 23 and 24 under 35 U.S.C. § 103(a) has been overcome and requests its withdrawal.

CONCLUSION

Applicant submits that the pending claims define novel and patentable subject matter. Accordingly, Applicant respectfully requests allowance of these claims. No additional fees are believed due, however, the Commissioner is hereby authorized to charge any deficiencies which may be required, or credit any overpayment, to Deposit Account Number 11-0855.

Early and favorable consideration is earnestly solicited. If the Examiner believes any informalities remain in the application that can be resolved by telephone interview, a telephone call to the undersigned attorney is earnestly solicited.

Respectfully submitted,



John K. McDonald, Ph.D.
Reg. No. 42,860

KILPATRICK STOCKTON LLP
1100 Peachtree Street
Suite 2800
Atlanta, GA 30309-4530
Telephone: 404-815-6500
Facsimile: 404-815-6555
Attorney Docket No. 52761-0110 (286146)